

**REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK
HELD AT BUTLER MEMORIAL HALL IN SAID TOWN
ON WEDNESDAY, DECEMBER 9, 2015, AT 7:00 P.M.**

Town Supervisor Patrick Tyksinski called the meeting to order at 7:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting.

TOWN BOARD MEMBERS PRESENT:

Councilman James J. Messa
Councilman David M. Reynolds
Councilman Paul A. Miscione
Councilman Richard B. Woodland, Jr.
Supervisor Patrick M. Tyksinski

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Assessor Darlene Abbatecola
Code Enforcement Officer Joseph Booth
Director of Finance Daniel Dreimiller
Highway Superintendent Richard C. Sherman
Police Chief Michael Inserra
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young

Thereafter, a quorum was declared present for the transaction of business.

MINUTES

November 4, 2015, Town Board meeting

Councilman Woodland introduced the following Resolution for adoption, seconded by Councilman Miscione:

(RESOLUTION NO. 185 OF 2015)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held November 4, 2015, does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye

Supervisor Tyksinski - Aye.

The Resolution was thereafter declared unanimously carried and duly ***ADOPTED***.

PUBLIC PRESENTATIONS/COMMENTS

Solar Energy

Dr. Justin Reaves inquired about the status of his request at the August 2015 Town Board meeting that the Town consider amending its Zoning Law to allow for larger solar kilowatt systems. Since that meeting, he had obtained the signatures of about one hundred (100) persons who supported larger solar projects and asked that New Hartford's Zoning Law be amended accordingly. The Town Supervisor apologized for not getting back to Dr. Reaves but there was no interest or motions made for an amendment. The Town Attorney pointed out that this was a long process, revising the Town's Zoning Law; in fact, the Town Board had appointed a 5- or 6-member citizens committee who put in an awful lot of time, held open meetings with regard to this proposal that was finally adopted and they made changes along the way. It wasn't something that was just a matter-of-fact done; the Town hired an expensive consultant who had worked with a number of municipalities, who worked with the Town. The citizens committee worked with the Town, we held public hearings and everything was explained. It would have been nicer had this matter been brought to the Town Board at that time. The Town Board briefly discussed Dr. Reaves' request for a 44-kilowatt system and whether roof-top units could be used instead.

Erwin Diemiel – resident of New Hartford for 63 years. A neighboring property owner has rented a second story apartment to a musician who has been practicing his drums around 2:00 A.M. daily; recently the drumming starts about 12:00 noon to about 10:00 P.M. and is disturbing the Diemiel's quality of life within their own home. This problem started around July 2015. They have written to the property owner by certified mail, return receipt...but no response. The Diemiel's have contacted the Police Department several times and when a Police Officer responds on site, the drummer stops. They feel intruded upon within their own home. The neighboring property is overgrown with weeds and a trailer with weeds growing from it is parked on the property. Mr. Diemiel mows the area to improve the look of his own property. Police Chief Inserra asked the Diemiel's to reach out to other neighboring property owners who also might be affected by the drumming and to contact the Town Attorney. The question was raised whether the condition(s) would constitute nuisance abatement and/or violations of property maintenance legislation. The Town Supervisor assured the Diemiels that either he, the Town Attorney or Police Chief will be in contact with them.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRMAN

Senior Services Committee – Councilman Reynolds

2015 Donations and Budget Adjustments

Upon recommendation of Director of Senior Services M. Eileen Spellman, the following Resolution was introduced for adoption by Councilman Reynolds and seconded by Councilman Miscione:

(RESOLUTION NO. 186 OF 2015)

WHEREAS, on November 4, 1998, the New Hartford Town Board had established a “gift”/“donation” policy pursuant to Section 64(8) of the Town Law;

NOW, THEREFORE, BE IT RESOLVED that said Town Board does hereby accept the following donations:

- \$ 500 Estate Planning – cover cost of printing Senior Services Book
- \$ 60 Monica & Joseph Raj – cake for 30th Anniversary of Senior Center
- \$ 50 Robert & Cynthia Timm – in memory of Edward Baker
- \$ 250 Claudia Tenney – cover cost of printing Senior Services Book
- \$ 500 Masonic Home – cover cost of printing 30th Anniversary Senior Book
- \$ 250 Faxton-St. Lukes Healthcare – cover cost of pprinting Senior Services
- \$1,610 Total

And be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Bookkeeper to make the following 2015 Budget adjustments:

- Increase A6772.4 - \$1,610
Programs for Aging, Contractual
- Increase A2705.1 - \$1,610
Donations Nutrition Site.

The Town Supervisor polled the Board members who voted as follows:

Councilman Miscione	-	Aye
Councilman Messa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Tyksinski	-	Aye.

The Resolution was declared unanimously carried and duly *ADOPTED*.

2015 Donation and Budget adjustment

Upon recommendation of the Director of Senior Services, the following Resolution was introduced for adoption by Councilman Reynolds and seconded by Councilman Woodland:

(RESOLUTION NO. 187 OF 2015)

WHEREAS, on November 4, 1998, the New Hartford Town Board had established a “gift”/“donation” policy pursuant to Section 64(8) of the Town Law;

NOW, THEREFORE, BE IT RESOLVED that said Town Board does hereby accept the donation of One Hundred Dollars (\$100) from AARP for use of a room; and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Bookkeeper to make the following 2015 Budget adjustments:

- Increase A6772.4 - \$100
 Program for Aging, Contractual

- Increase A2705.1 - \$100
 Donations Nutrition Site.

The Town Supervisor polled the Board members who voted as follows:

Councilman Miscione	-	Aye
Councilman Messa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Tyksinski	-	Aye.

The Resolution was declared unanimously carried and duly *ADOPTED*.

Town Clerk Committee – Councilman Woodland

Raffle Consent

The following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Miscione:

(RESOLUTION NO. 188 OF 2015)

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RESOLVED that the New Hartford Town Board does hereby grant permission to the Stevens-Swan Humane Society, 5664 Horatio St., Utica, New York, 13502, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets in the Town of New Hartford, New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

FURTHER RESOLVED that the Town Clerk be, and she hereby is, authorized and directed to execute Form GC-RCF, Raffle Consent Form.

Upon roll call, the Town Board voted as follows:

Councilman Miscione	-	Aye
Councilman Messa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Tyksinski	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

NYS Liquor Authority – 30-day notification

The following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Miscione:

(RESOLUTION NO. 189 OF 2015)

WHEREAS, on November 20, 2015, Town Clerk Gail Wolanin Young received the 30-Day Local Municipality notice from the law firm of Danow, McMullan & Panoff, P.C., in behalf of ***Barnes & Noble Café, LLC***; and

WHEREAS, the Town Clerk furnished the Town Board members with copies of said notice relating to an On-Premise Wine & Beer license for Barnes & Noble Café, LLC, 4811 Commercial Drive, New Hartford, New York, 13413;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford has no objection to the New York State Liquor Authority issuing said wine and beer license for the aforementioned business.

The Resolution was voted upon by roll call as follows:

Councilman Miscione	-	Aye
Councilman Messa	-	Aye

Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Tyksinski	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

Deer Depredation

Upon request of Town Clerk Gail Wolanin Young, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 190 OF 2015)

RESOLVED that, in accordance with Local Law No. Seven of 2010 (Chapter 56, DOGS AND PETS, Section 56-1.F) of the Town Code, the New Hartford Town Board does hereby institute a quarantine on dogs for the protection of deer in the Town of New Hartford. All dogs shall be securely confined during a period of time beginning twenty-four (24) hours after publication of a legal notice in the Town's official newspaper and continuing until April 15, 2016. The Town Clerk is hereby authorized and directed to publish such legal notice in The Observer Dispatch on December 18, 2015. Any dog found chasing or worrying deer during said quarantine could be seized. A dog that attacks a deer at any time shall be in violation of this Law and the owner shall be subject to fines.

Upon roll call, the Town Board members voted as follows:

Councilman Miscione	-	Aye
Councilman Messa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Tyksinski	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

Planning (Codes) and Zoning Committee – Councilman Messa

Planning Board Vacancy

Councilman Messa noted that, effective January 1, 2016, a vacancy will occur on the Planning Board due to the term expiration of G. Brymer Humphreys.

Public Works and Sewer Committee – Councilman Miscione

Wage established – Highway Department Laborer

Upon request of the Highway Superintendent, Councilman Miscione offered the following Resolution for adoption, seconded by Councilman Reynolds:

(RESOLUTION NO. 191 OF 2015)

WHEREAS, Highway Superintendent Richard Sherman has hired Ferdinand J. Callahan, Jr., effective December 20, 2015, to fill a vacancy created on November 30, 2015 when Laborer Thomas Smith retired;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby establish Mr. Callahan's base hourly wage as Laborer at Fourteen Dollars and Twenty Cents (\$14.20) and his hourly wage during November to April yearly at Twenty Dollars and Forty-six Cents (\$20.46), payable bi-weekly.

A roll call vote ensued:

Councilman Miscione	-	Aye
Councilman Messa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Tyksinski	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

Purchase of Salt Brine Tank

Councilman Miscione presented the Highway Superintendent's request to purchase another salt brine tank to be paid from unexpended balances of other Highway Department accounts such as tires, concrete sidewalks and top soil. Councilman Miscione then offered the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 192 OF 2015)

RESOLVED that the New Hartford Town Board does hereby authorize the Highway Superintendent to purchase a plastic tank for salt brine at a cost of Five Thousand One Hundred Fifty Dollars (\$5,150) contingent upon there being sufficient unexpended balances in the following, or other accounts, at the end of 2015 to cover the cost of the plastic tank:

- | | | |
|--------------------------------|---|----------|
| • DB1104.4 top soil | - | \$1,500 |
| • DB5110.48 concrete sidewalks | - | \$1,593 |
| • DB5130.41 tires | - | \$2,067. |

The Town Board members voted upon roll call, resulting as follows:

Councilman Miscione	-	Aye
Councilman Messa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Tyksinski	-	Aye.

The Resolution was declared unanimously carried and duly *ADOPTED*.

Washington Mills Sanitary Sewer Line and Streambank Stabilization Project in the Sauquoit Creek

Upon request of the Highway Superintendent who has applied for a Grant (85%/15%), Councilman Miscione offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 193 OF 2015)

WHEREAS, the **Oneida County Soil and Water Conservation District** is applying to the New York State Department of Environmental Conservation for a project grant under the 2015 Mohawk River Watershed Grant Program to be located **900 feet downstream of the Kellogg Road Bridge in the Hamlet of Washington Mills**, a site located within the territorial jurisdiction of this **Town Board**; and

WHEREAS, as a requirement of this program, the **Oneida County SWCD** must obtain the “approval/endorsement of the governing body of the municipality in which the project will be located”;

NOW, THEREFORE, be it resolved that the **Town Board of New Hartford** does hereby approve and endorse the application of the **Oneida County Soil and Water Conservation District** for a grant under the 2015 Mohawk River Watershed Grant Program for a project known as **the Washington Mills Sanitary Sewer Line and Streambank Stabilization Project in the Sauquoit Creek** and located within this community.

The foregoing Resolution was voted upon by roll call, resulting as follows:

Councilman Miscione	-	Aye
Councilman Messa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Tyksinski	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

Partners For Fish and Wildlife Program Landowner Agreement

In conjunction with the Washington Mills Sanitary Sewer Line and Streambank Stabilization Project in the Sauquoit Creek, Councilman Miscione introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 194 OF 2015)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct Town Supervisor Patrick M. Tyksinski to enter into and to execute the **Partners For Fish And Wildlife Program Landowner Agreement** between the Town, the Oneida County Soil and Water Conservation District, and the U.S. Fish and Wildlife Service (USFWS) in accordance with the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq. and the Fish and Wildlife Act of 1956 (U.S.C. 742a-j), as amended. The objective is to restore habitat for the benefit of Federal trust species on private lands, and the project supports priority actions identified in the Regional Partners for Fish and Wildlife (Partners) Program Strategic Plan. The Town agrees to participate with the USFWS in conducting certain wildlife management practices on lands owned or managed in the Town of New Hartford, Oneida County, State of New York, described as follows: all of, or within, 43.055364, -75,271973. The term of this Agreement (also referred to as the habitat retention period, will be completed on December 14, 2025, and may be modified at any time by mutual written consent of the parties.

The Resolution was thereupon voted by roll call, as follows:

Councilman Miscione	-	Aye
Councilman Messa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Tyksinski	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

Agreement – New Hartford Public Library Snow Plowing

Councilman Miscione offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 195 OF 2015)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between said

Town and the New Hartford Public Library wherein the Town will provide snow plowing, salting and sanding to designated and identified areas of the Library, as detailed and depicted in the map attached to said Agreement and made a part of same. Said Agreement shall remain in full force and effect for a period of one (1) year from December 1, 2015, renewable annually by the Town Board approval for five (5) consecutive years hereafter, unless or until the Town or the Library opts out and terminates the Agreement by providing thirty (30) days prior written notice to the other.

A roll call vote was duly held and resulted as follows:

Councilman Miscione	-	Aye
Councilman Messa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Tyksinski	-	Aye.

The Resolution was then declared unanimously carried and duly ***ADOPTED***.

Inter-municipal Agreement to Provide Salt Brine for Snow Removal

Upon the recommendation of the Highway Superintendent, Councilman Miscione introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 196 OF 2015)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Inter-municipal Agreement between the Town of New Hartford and the Town of Whitestown wherein the Town of New Hartford agrees to sell Salt Brine-Magnesium Chloride to the Town of Whitestown as per the terms and conditions set forth in said Agreement. To cover the Town's water costs, labor, operation, maintenance costs for the product production, the product will be sold at a cost of Twenty-three (23) cents per gallon which includes the cost of the magnesium chloride and salt utilized in the mix. Plain salt brine will be sold at a cost of Eighteen Cents (\$.18) per gallon. Said Agreement is effective December 1, 2015, and shall remain in effect until terminated or modified in writing by either Town at any time upon written notice.

The foregoing Resolution was voted upon by roll call, as follows:

Councilman Miscione	-	Aye
Councilman Messa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye

Supervisor Tyksinski - Aye.

The Resolution was then declared unanimously carried and duly **ADOPTED**.

Agreement – Ice Control/Village of Yorkville

Upon recommendation of the Highway Superintendent, Councilman Miscione offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 197 OF 2015)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town of New Hartford and the Village of Yorkville, wherein said Town will provide pure salt on an “as-needed” basis to the Village of Yorkville for its utilization on its Village streets for which said entity will pay Fifty-three Dollars and Twenty-one Cents (\$53.21) per ton, as provided and as delivered to a stockpile location within said entity’s jurisdiction; said Agreement shall be for a period commencing on the 1st day of November 2015 and terminate on the last day of October 2016, unless sooner terminated for cause as more fully defined in the Agreement.

Upon roll call, the Town Board members voted as follows:

Councilman Miscione - Aye
Councilman Messa - Aye
Councilman Reynolds - Aye
Councilman Woodland - Aye
Supervisor Tyksinski - Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

Agreement – Ice Control/New Hartford Central School

Upon recommendation of the Highway Superintendent, Councilman Miscione offered the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 198 OF 2015)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town of New Hartford and the New Hartford Central School District, wherein said Town will provide pure salt on an “as-needed” basis to said School District for its utilization on School property for which said School District will pay Fifty-three Dollars and Twenty-one Cents (\$53.21) per ton, as provided and as delivered to a stockpile location within the

School District’s jurisdiction; said Agreement shall be for a period commencing November 1, 2015 and terminating on the last day of October 2016, unless sooner terminated for cause as more fully defined in the Agreement.

The Town Supervisor polled the Board members who voted as follows:

Councilman Miscione	-	Aye
Councilman Messa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Tyksinski	-	Aye.

The Resolution was declared unanimously carried and duly ***ADOPTED***.

Agreement – Ice Control/New York Mills Union Free School District

Upon recommendation of the Highway Superintendent, Councilman Miscione introduced the following Resolution for adopted; seconded by Councilman Reynolds:

(RESOLUTION NO. 199 OF 2015)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town of New Hartford and the New York Mills Union Free School District, wherein said Town will provide pure salt on an “as-needed” basis to the School District for its utilization on its School property for which said School District will pay Fifty-three Dollars and Twenty-one Cents (\$53.21) per ton, as provided and as delivered to a stockpile location within said School District’s jurisdiction; said Agreement shall be for a period commencing on the 1st day of November 2015 and terminate on the last day of October 2016, unless sooner terminated for cause as more fully defined in the Agreement.

A roll call vote ensued:

Councilman Miscione	-	Aye
Councilman Messa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Tyksinski	-	Aye.

The Resolution was declared unanimously carried and duly ***ADOPTED***.

Web Design for Town’s website

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Councilman Miscione discussed his recommendation to contract with Delaware Net, Inc. for web design of the Town's website. Of the quotations received, he believed that Delaware Net, Inc. offered the best services. The total set up cost for 2016 would be Eight Thousand Eight Hundred Twenty Dollars (\$8,820); if paid in full before December 31, 2015, the Town would receive a Twenty Percent (20%) discount. Then in 2017 going forward the annual maintenance fee would be Fifteen Hundred Dollars (\$1500) if pre-paid for the whole year that includes all the maintenance, all the support, them helping the Town every time there's an update...they would do all that for the Town. Delaware Net, Inc. would host the Town's website on their own server on the cloud so the Town won't have to pay anything extra for technical support or anything like that. The reason Delaware Net is giving the Town this deal is because Councilman Miscione assured them that he would work with Delaware and the Town department heads to get the content for them. Councilman Reynolds asked what the department heads' stake would be in this; in other words, they would have to be able to supply information? Councilman Miscione responded that it would be everything that was on the survey they had; it's going to be budgets, bidding process, building permits, dog licenses, minutes, etc. Supervisor Tyksinski asked if this was going to take up a lot of time for the Town's department heads, to which Councilman Miscione responded "it's actually not, it's going to actually give them more time." "To accumulate this data?" asked the Town Supervisor. Councilman Miscione stated "the data is going to be accumulated in the beginning so there's going to be some first time...it's going to take three (3) months to put the site together. The data is actually going to be accumulated by me getting the data from the department heads and then giving it to Delaware Net." The Town Supervisor noted that his office has copies of all forms used by Town departments, which Councilman Miscione stated would then be available in PDF format for on-line processing. Councilman Reynolds inquired whether a Town department could de-select a transaction type if something isn't working right; Councilman Miscione responded that he would be meeting with "...department heads to see what would make their lives easier" and that the web site will be critiqued for the Town of New Hartford. There are features that can be added, but don't have to. Councilman Woodland inquired about the Police Department's social media and Councilman Miscione confirmed that this would be included. Delaware will come down and meet with the department heads. In the future, for example, if the Town chose to add e-mail (through Google), the monthly maintenance/support would increase. What would happen if the Town decided to opt out of the web site in the future, asked Councilman Messa. Councilman Miscione stated the Town would own the content but there would be no support. Directing his inquiry to Deputy Supervisor Matthew Bohn, Councilman Reynolds asked if he had reviewed this quotation and the Deputy Supervisor said no, not this one.

Councilman Miscione then offered the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 200 OF 2015)

RESOLVED that the New Hartford Town Board does hereby accept the quotation from Delaware Net, Inc., P. O. Box 3311, Greenwood Village, Colorado, 80155, for design of the Town of New Hartford web site and does further authorize and direct the Town Supervisor to enter into and to execute any applicable Agreement(s) related thereto, the gross cost of which is Eight Thousand Eight Hundred Twenty Dollars (\$8,820) for 2016, with the express understanding that, if paid in full in calendar year 2015, the Town will be given a Twenty Percent (20%) discount on the gross amount; and be it

FURTHER RESOLVED, that the said Town Board does hereby authorize and direct the Accounting Department to pay the aforementioned fees in calendar year 2015.

The Supervisor polled the Town Board members who voted as follows:

Councilman Miscione	-	Aye
Councilman Messa	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Tyksinski	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

Councilman Miscione stated that Delaware Net is requesting a letter from the Town that he is liaison between the Town and their company; Supervisor Tyksinski responded that he has created a web site committee and has designated Councilman Miscione as Chairman; the Town Attorney will arrange to have the letter prepared.

Public Safety and Court Committee – Supervisor Tyksinski

Agreement – 2016 Animal Control Service / Town of Kirkland

Councilman Miscione introduced the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 201 OF 2015)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town of New Hartford and the Town of Kirkland, wherein the Town of New Hartford will provide animal control services to the Town of Kirkland during calendar year 2016, in accordance with the terms and conditions set forth therein.

A roll call vote ensued:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye
Supervisor Tyksinski	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

MATTERS SUBMITTED BY TOWN SUPERVISOR

Financial:

Audit of Vouchers

On recommendation of the Town Supervisor, Councilman Miscione presented the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 202 OF 2015)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the payment of the bills itemized on the following Abstracts, which had been duly audited by the Town Board:

2015 Equipment Abstract #6	
Vouchers H217	\$ 6,375.00
Rayhill Trail Abstract #9	
Vouchers H578-H580	\$58,944.54
General Part-Town Abstract #27	
Voucher BB173-BB175	\$ 3,932.64
General Part-Town Abstract #28	
Vouchers BB1176-BB1177	\$ 185.76
General Part-Town Abstract #29	
Vouchers BB178-BB187	\$ 3,441.19
General Part-Town Police Abstract #26	
Vouchers BP255-BP258	\$44,128.41

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General Part-Town Police Abstract #27

Vouchers BP259 \$ 968.66

General Part-Town Police Abstract #28

Vouchers BP260-BP272 \$ 6,212.51

General Whole-Town Abstract #32

Vouchers AA1150-AA162 \$23,729.23

General Whole-Town Abstract #33

Vouchers AA1163-AA1177 \$100,417.82

General Whole-Town Abstract #33A

Vouchers AA1245-AA1246 \$69,695.50

General Whole-Town Abstract #34

Vouchers AA1178-AA1244;
AA1247-AA1248 \$147,220.06

Highway Part-Town Abstract #17

Vouchers DB765 \$ 25,299.00

Highway Part-Town Abstract #18

Vouchers DB766-DB768 \$38,986.31

Highway Part-Town Abstract #19

Vouchers DB769-DB840 \$101,130.80

Sewer Fund Abstract #29

Voucher SS69 \$ 356.40

Sewer Fund Abstract #30

Voucher SS70-SS72 \$ 3,775.30

Sewer Fund Abstract #31

Vouchers SS73-SS77 \$ 3,830.45

Street Lighting Fund Abstract #12

Voucher SL12 \$ 8,905.39

Trust & Agency Fund Abstract #37

Voucher TT221-TT227 \$ 7,590.18

Trust & Agency Fund Abstract #38
Vouchers TT228-TT231 \$ 9,899.16

Trust & Agency Fund Abstract #39
Voucher TT232-TT237 \$ 8,390.46

Trust & Agency Fund Abstract #40
Vouchers TT238-TT244 \$ 7,563.45

TOTAL \$681,032.22

The foregoing Resolution was voted upon by roll call, resulting as follows:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye
Supervisor Tyksinski	-	Aye.

The Resolution was declared unanimously carried and duly ***ADOPTED***.

Finance Director:

- **Town Justice Court Audit**
In accordance with the Uniform Justice Court Act (Section 2019-a), Finance Director Dreimiller conducted a review/examination of the court records for the year 2014 in the following areas:
 1. Cash receipts Book, including deposit testing and reconciliation
 2. Cash Disbursement Book, including check testing
 3. Review of Monthly Bank Reconciliations
 4. Review of Dockets and Case Files
 5. Reporting to the Division of Criminal Justice Services
 6. Reporting to the Justice Court Funds
 7. Reporting to the Department of Motor Vehicles – TSLED Program

No major exceptions or issues were noted during the review/examination of the above areas for 2014; the Court System appears to be in compliance with the NYS Comptroller's Court Handbook, and appears to be operating effectively and efficiently

for the year reviewed. Copies of the audit had been sent to Board members. Councilman Miscione offered the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 203 OF 2015)

RESOLVED, that the New Hartford Town Board does hereby accept and approve the Finance Director's audit report of the Town's Justice Court funds and accounts for the calendar year 2014.

A roll call vote ensued:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye
Supervisor Tyksinski	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

Monthly Financial Report

Copies of the November 2015 monthly financial report had been furnished to Board members and the Finance Director asked if anyone had any questions on the report. In response to one question comparing sales tax revenue, the Finance Director stated that the November 2015 revenue is down \$75,000 compared to November 2014. He said he hopes to end the year in the black. Bills for the year 2015 are still being received for payment so final totals won't be known until around February 2016.

Workers' Compensation Insurance

The Town Supervisor stated that in late summer 2015, upon his request, a motion was made to leave the Oneida County Workers' Compensation program for coverage through a private company. The Town did that and the Town's insurance company obtained quotes, he said. However, in a recent meeting the Town Attorney and Supervisor had with the Town's insurance agent and discussions with County officials, "...this is a little more complicated than previously thought. Essentially, we thought at the time that when we left the County we'd take our existing claims and the new company would take them." At the last meeting we found that's not the way it works. We would either leave the existing claims with the County and they'd get an actuary to determine the value and we'd have to pay a lump sum to the County to assume that. The Town Supervisor's biggest problem with the County plan was the way they allocated administrative costs (1. administrative office costs; 2. claim costs). Currently, costs are being allocated based on assessment which is the Town Supervisor's main reason for wanting to leave the County plan because he believed it was unfair. The Town Supervisor recently has been told that

the County recognizes that it's not a fair practice and, even though they can't change it for 2016, they plan to do so for 2017. That being the case, takes away the Town Supervisor's objections. Some of the private quotes were a little lower than the Town pays now and a majority were a little higher. With everything being taken into consideration, with the threat of going to court, and being told the County premium for 2016 might be less than 2015, the Town Supervisor recommended going back to the Oneida County Workers' Compensation Plan. Starting in 2017 it would be based upon "claims made", not assessment.

Thereafter, Councilman Messa introduced the following Resolution for adoption, which was seconded by Councilman Miscione:

(RESOLUTION NO. 204 OF 2015)

WHEREAS, the Town of New Hartford has obtained information regarding obtaining worker's compensation coverage for its' employees for the year 2016;

NOW, THEREFORE, BE IT RESOLVED THAT, the Town of New Hartford is hereby authorized to obtain worker's compensation insurance coverage through the Oneida County Self Insurance Plan and that the Town Supervisor is authorized to execute any documents necessary to effect said coverage.

A roll call vote was duly held and resulted as follows:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye
Supervisor Tyksinski	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

Further, Councilman Woodland offered the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 205 OF 2015)

RESOLVED that the New Hartford Town Board is looking for the Oneida County Employees Compensation Board to have annual meetings, to receive a different allocation of administrative fees, and that there would be a more conscientious effort to review claims made and to settle existing claims.

The Town Board voted upon roll call:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye
Supervisor Tyksinski	-	Aye.

The Resolution was declared unanimously carried and duly ***ADOPTED***.

2016 Organizational Meeting date

The Town Board agreed to conduct the organizational meeting on Wednesday, January 13, 2016.

Paving – Oneida Street intersection at McDonald’s, Washington Mills

Councilman Messa recognized the exceptional job performed by Highway Superintendent Richard Sherman and his crew on the extensive road repairs to the McDonald’s intersection at Oneida Street, Washington Mills, with Chapman-Kellogg Roads, a very busy intersection.

Nuisance Abatement – Word of Life Church

With regard to incidents that occurred in October 2015 at the Word of Life Church in Chadwicks, the Town Supervisor stated that a police investigation had been conducted and after completion of the investigation, he had met with Police Chief Michael Inserra and Town Attorney Herbert Cully with regards whether the incidents would play into the Town’s nuisance abatement law. After a thorough discussion among the three, it was determined in reviewing the incidents, that the activity met the full criteria against the church under the Town’s nuisance abatement law. The Town has been monitoring the situation and checked the church’s status as an exempt non-profit organization from documents in the Town Assessor’s Office. The church was contacted and asked to submit the proper documents; if documents are filed, the Assessor has been directed to contact the Town Supervisor and Town Attorney. No records could be located by the I.R.S. confirming 501 C 3 status, which raises the question of whether the church is eligible for the exemption they had applied for and have had on the property.

Councilman Messa then introduced the following Resolution for adoption; seconded by Councilman Miscione:

(RESOLUTION NO. 206 of 2015)

RESOLVED that the Town Board of the Town of New Hartford does hereby hire Herbert J. Cully to proceed with Nuisance Abatement law proceedings against the Word

of Life Christian Church, 3354 Oneida Street, Chadwicks, NY 13319, Tax Map No. 349.020-1-22, and to serve the Notice of nuisance on the legal representative of said Church in accordance with the Town Code, Chapter 86, Nuisances, Section 86-4.

In response to Councilman Reynolds' inquiry, the Town Attorney recited the specific nuisances that would be apply in this case:

Section 86-2. Definitions

G. Any building, structure or real property wherein there exists or has occurred a criminal nuisance as defined by the New York State Penal Law.

J. Any building, structure or real property wherein an occupant, guest or business invitee commits criminal activities involving assault, gang assault, harassment or disorderly conduct....

[Cully]: "...now, you're aware that a young man was killed as a result of this and another was very seriously injured. A Grand Jury has issued a multiple count indictment against numerous individuals who apparently were members and/or officers of this entity. So I think clearly there was an assault or gang assault, at a minimum."

Section 86-3. Nuisances forbidden

No owner, operator, manager, tenant, lessee or other occupier of a building, structure or real property shall knowingly conduct, maintain, permit or allow the existence of a public nuisance at the building, structure or real property.

[Cully]: "...so the fact that there were apparently members of this Church and/or officers that obviously had notice, because at least from everything I've seen and I'm going by what I've seen in the media, some of them were actually there when this occurred."

Whereupon the Town Board voted by roll call, as follows:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye
Supervisor Tyksinski	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

In response to Councilman Woodland's e-mail, the Town Attorney stated the Town could not locate any documents to support 501 C 3 exempt status for the Word of Life Christian

Church. The Assessor has been directed to send a letter to the Church asking them to provide proof of their non-profit, tax exempt status; nothing has been received to date.

Agreement – Computer networking services

Councilman Reynolds moved the adoption of the following Resolution; duly seconded by Councilman Miscione:

(RESOLUTION NO. 207 OF 2016)

RESOLVED, that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town of New Hartford and M. A. Polce, Inc. for computer networking services in calendar year 2016.

A roll call vote ensued:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye
Supervisor Tyksinski	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

Demolition Proposals - 44 Beechwood Road and 1414 Ney Avenue

The Town Attorney had reviewed estimates for the demolition of residences at 44 Beechwood Road and 1414 Ney Avenue; hearings were held in August 2015 about unsafe conditions, etc., at each location. Thereafter, Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. 208 OF 2015)

RESOLVED, that the New Hartford Town Board does hereby accept the proposals submitted by United Contractors of Utica, Inc. for the demolition of a residence at 44 Beechwood Road owned by James M. Seemann (Tax Map No. 339.001-3-49) and for the demolition of a residence at 1414 Ney Avenue owned by Jody R. Iredell (Tax Map No. 317.012-3-69), at a cost of Seventeen Thousand Five Hundred Dollars (\$17,500) for each property to be demolished, and does hereby authorize the demolition process to commence.

The Supervisor polled the Town Board members who voted as follows:

Councilman Miscione	-	Aye
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Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye
Supervisor Tyksinski	-	Aye.

The Resolution was declared unanimously carried and duly ***ADOPTED***.

2015 Grants – Youth Mentoring Program and Youth Employment Program

The Town Attorney had reviewed paperwork involving a 2015 matching grant for a youth program sponsored at the Senior Center and a 2015 youth program handled by the Parks Department. Councilman Messa offered the following Resolution for adoption, seconded by Councilman Miscione:

(RESOLUTION NO. 209 OF 2015)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the Oneida County Youth Bureau Service Agreements between the Town of New Hartford and the Oneida County Youth Bureau for the 2015 Youth Employment Program administered by the New Hartford Parks Department (matching funds of \$3,512.) and for the 2015 Summer Youth Mentoring Program administered by the Director of Senior Services (matching funds of \$1,000).

The foregoing Resolution was voted upon by roll call, resulting as follows:

Councilman Miscione	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye
Supervisor Tyksinski	-	Aye.

The Resolution was declared unanimously carried and duly ***ADOPTED***.

Vehicle Usage

Highway Superintendent Sherman stated that occasionally he might have to take a Town pickup truck home during the winter months. The Town Supervisor stated that he didn't need Board permission to do so.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made by Councilman Messa and seconded by Councilman Miscione, the meeting was adjourned at 8:02 P.M.

REGULAR TOWN BOARD MEETING
December 9, 2015
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Respectfully submitted,

Gail Wolanin Young, Town Clerk